

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SAMIR B.,

Plaintiff,

-v-

6:21-CV-591

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

SAMIR B.
Plaintiff, Pro Se
769 Rutger Street
Utica, NY 13501

SOCIAL SECURITY
ADMINISTRATION
Attorneys for Defendant
J.F.K. Federal Building, Room 625
15 New Sudbury Street
Boston, MA 02203

AMELIA STEWART, ESQ.
Special Ass't U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On May 24, 2021, *pro se* plaintiff Samir B.¹ (“plaintiff” or “claimant”) filed this action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner” or “defendant”) denying his application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act (the “Act”). Dkt. No. 1.

Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2. Plaintiff’s IFP Application was granted on May 25, 2021. Dkt. No. 7. After the Commissioner filed a certified copy of the Administrative Record, Dkt. No. 12, U.S. Magistrate Judge Andrew T. Baxter issued a text order explaining to plaintiff the relevant briefing deadlines, Dkt. No. 16.

On November 22, 2021, the Commissioner filed her brief in support of affirmance. Dkt. No. 17. When plaintiff failed to timely file his own brief, Judge Baxter directed plaintiff to either (1) promptly file it or (2) request an extension of time in which to do so. Dkt. No. 19. To date, plaintiff has done neither of those things. *See id.*

¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only claimant’s first name and last initial will be mentioned in this opinion.

On July 1, 2022, Judge Baxter advised by Report & Recommendation (“R&R”) that the Commissioner’s decision be affirmed and that plaintiff’s complaint be dismissed. Dkt. No. 21.

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 21. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

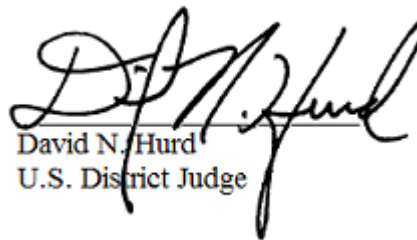
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The Commissioner’s motion for a judgment on the pleadings is GRANTED;
3. Plaintiff’s motion for a judgment on the pleadings is DENIED;
4. The Commissioner’s decision is AFFIRMED; and
5. Plaintiff’s complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: July 18, 2022
Utica, New York.


David N. Hurd
U.S. District Judge